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Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA, acting by
and through San Francisco City Attorney DAVID CHIU

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA,
acting by and through San Francisco City
Attorney DAVID CHIU.

Case No. 3:23-cv-06456-WHO

STIPULATION AND ORDER

Plaintiff.

vs.

INCOMM FINANCIAL SERVICES, INC.;
TBBK CARD SERVICES, INC.; SUTTON
BANK; and PATHWARD N.A..

Defendants.

Plaintiff the People of the State of California by and through San Francisco City Attorney David Chiu and Defendants InComm Financial Services, Inc. (“InComm”), TBBK Card Services, Inc., Sutton Bank, and Pathward N.A., (collectively, “Parties”), through their counsel of record, enter into the following stipulation.

STIPULATION

WHEREAS, Defendant InComm removed this action to this Court on December 14, 2023 by special appearance and reserving all rights and defenses, including the right to challenge personal jurisdiction by courts of this state;

WHEREAS, the Court issued a Case Management Conference Order on January 5, 2024 that scheduled a Case Management Conference for March 12, 2024 at 2 p.m. and ordered the parties to submit a case management statement no later than March 5, 2024 (ECF No. 23);

WHEREAS, Plaintiff filed its Motion to Remand on January 30, 2024 (ECF No. 28), Defendants InComm and Pathward N.A. filed Oppositions to Plaintiff's Motion to Remand on February 16, 2024 (ECF Nos. 30 and 31), and Plaintiff filed its Reply in Support of Motion to Remand on February 23, 2024 (ECF No. 33);

WHEREAS, the hearing on Plaintiff's Motion to Remand is scheduled for March 13, 2024;

WHEREAS, Plaintiff has proposed that the parties seek a continuance of the Case Management Conference until after the Court issues an order on Plaintiff's Motion to Remand and determines whether it has jurisdiction over this action so as to conserve the Court's and the Parties' resources:

WHEREAS, Defendants concur with Plaintiff's proposal, while reserving and without waiving all rights and defenses, including the right to challenge personal jurisdiction; and

THEREFORE, IT IS HEREBY AGREED AND STIPULATED, and the Parties respectfully request, subject to the Court's approval, that:

1. The March 12, 2024 Case Management Conference is continued until a date convenient for the Court following the Court's order on Plaintiff's Motion to Remand within 21 days of the Court's order on Plaintiff's motion.

IT IS SO STIPULATED.

1 Dated: March 1, 2024

DAVID CHIU
City Attorney
YVONNE R. MERÉ
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SARA J. EISENBERG
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JOHN H. GEORGE
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2 By: /S/ JOHN H. GEORGE
3 JOHN H. GEORGE

4
5 Attorneys for Plaintiff
6 PEOPLE OF THE STATE OF CALIFORNIA, acting by
7 and through San Francisco City Attorney DAVID CHIU

8 Dated: March 1, 2024

9 GARY T. LAFAYETTE
10 BRIAN H. CHUN
11 LAFAYETTE & KUMAGAI LLP

12 By: **/S/ BRIAN H. CHUN
13 BRIAN H. CHUN

14 Attorneys for Defendant
15 INCOMM FINANCIAL SERVICES, INC.

16 Dated: March 1, 2024

17 JANE METCALF
18 HENRY J. RICARDO
19 PATTERSON BELKNAP WEBB & TYLER LLP

20 By: **/S/ JANE METCALF
21 JANE METCALF

22 Attorneys for Defendant
23 INCOMM FINANCIAL SERVICES, INC.

24 Dated: March 1, 2024

25 JOSEPH DUFFY
26 MORGAN, LEWIS & BOCKIUS LLP

27 By: **/S/ JOSEPH DUFFY
28 JOSEPH DUFFY

29 Attorneys for Defendant
30 TBBK CARD SERVICES, INC.

1 Dated: March 1, 2024

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MORGAN, LEWIS & BOCKIUS LLP

2 By: **/S/ ARJUN P. RAO
3 ARJUN P. RAO

4 Attorneys for Defendant
5 SUTTON BANK

6 Dated: March 1, 2024

DANIEL T. ROCKEY
BRYAN CAVE LEIGHTON PAISNER

7 By: **/S/ DANIEL T. ROCKEY
8 DANIEL T. ROCKEY

9 Attorneys for Defendant
10 PATHWARD N.A.

11 ***Pursuant to L.R. 5-1(h)(3), the electronic signatory
12 attests that each of the other Signatories have concurred
in the filing of this document.*

ORDER

Pursuant to the stipulation of the parties and good cause appearing, the Stipulation and Proposed Order is GRANTED as follows:

1. The March 12, 2024 Case Management Conference is continued until a date convenient for the Court following the Court's order on Plaintiff's Motion to Remand within 21 days of the Court's order on Plaintiff's motion.

IT IS SO ORDERED.

Date: March 1, 2024

K. A. De

HONORABLE WILLIAM H. ORRICK
United States District Judge